

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

## **MEMORANDUM AND ORDER**

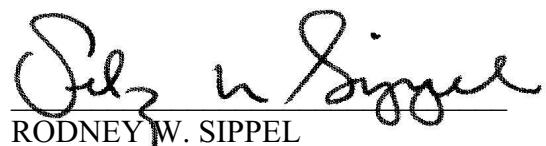
This is an action under 42 U.S.C. § 405(g) for judicial review of the final decision of Michael J. Astrue, the Commissioner of Social Security, denying Mandie Brannon's disability insurance benefits under Title II of the Social Security Act, 42 U.S.C. §§ 401-433, and supplemental security income benefits under Title XVI of the Act, 42 U.S.C. §§ 1381-1383b. Plaintiff has filed a brief in support of her complaint; the Commissioner has filed a brief in support of his answer.

The matter was referred to the United States Magistrate Judge David D. Noce under 28 U.S.C. § 636(b) for recommended disposition. Judge Noce's Report and Recommendation recommends that the decision of the Commissioner be reversed and remanded. Judge Noce's Report and Recommendation recommends that the case be remanded to the Commissioner with directions that the ALJ should ask the vocational expert to resolve the discrepancy between the reasoning levels of the jobs she identified, and the reasoning level associated with Brannon's RFC. Alternatively, the ALJ should have the vocational expert identify other jobs - to the extent they exist in the national economy - which have reasoning levels that correspond to Brannon's RFC.

I agree with Judge Noce's recommendation. Therefore, I adopt the Report and Recommendation of Judge Noce.

Accordingly,

**IT IS HEREBY ORDERED** that the decision of the Commissioner is **REVERSED and REMANDED** with directions that the ALJ should ask the vocational expert to resolve the discrepancy between the reasoning levels of the jobs she identified, and the reasoning level associated with Brannon's RFC. Alternatively, the ALJ should have the vocational expert identify other jobs - to the extent they exist in the national economy - which have reasoning levels that correspond to Brannon's RFC.



RODNEY W. SIPPEL  
UNITED STATES DISTRICT JUDGE

Dated this 18th day of August, 2008.